

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:)
Moore, Marcella Farrington xxx-xx-2660)
2358 Basil Holt Rd.) Case No. 18-10292 C-13G
Burlington, NC 27217)
Debtor.)

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN
AND RECOMMENDATION AGAINST CONFIRMATION OF PLAN**

NOW COMES, Anita Jo Kinlaw Troxler, Trustee in the above-referenced plan and recommends that the plan proposed by the above-referenced Debtor be denied confirmation, and in support of the recommendation shows unto the Court as follows:

1. The Debtor proposes a plan payment of \$1,098.73 per month, increasing to \$1,625.00 per month effective June 2018.
2. The Trustee is informed and believes based on a review of Schedules I and J that the Debtor does not have income sufficient to support the plan payment.
3. The Debtor provides in Section 9 of the plan that the Debtor is proposing to sell the real property commonly known as 2358 Basil Holt Road, Burlington, NC 27217, to her sister and niece for approximately \$19,000.00 which appears to be a sale to insiders for less than fair market value and for less than the payoff on the mortgages against the real property. The provision also does not indicate that the Debtor is required to obtain Court approval to enter into a sale of the real property.
4. The Trustee is unable to determine the liquidation value of the estate and whether the Debtor's plan is paying the liquidation requirement.
5. The Debtor's plan is not feasible based on information provided by the schedules and does not meet the confirmation requirements of 11 U.S.C. §1325(a)(6).
6. The Trustee is informed and believes that the Debtor's plan has not been proposed in good faith as required by 11 U.S.C. §1325(a)(3) due to the proposal to sell real property for less than fair market value to an insider and also due to inability to determine liquidation value of the estate.

WHEREFORE, the Trustee recommends that the Court deny confirmation of the plan.

Date: June 20, 2018

s/Anita Jo Kinlaw Troxler

Standing Trustee

P.O. Box 1720

Greensboro, NC 27402-1720

(336) 378-9164

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the below date, the undersigned served a copy of the **TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN AND RECOMMENDATION AGAINST CONFIRMATION OF PLAN** by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

J MARSHALL SHELTON ESQ
TAYLOR LAW OFFICE PC
2280 S CHURCH ST STE 203
BURLINGTON NC 27215

MARCELLA FARRINGTON MOORE
2358 BASIL HOLT RD
BURLINGTON NC 27217

Date: June 20, 2018

s/ Pearleen Wimbush
Chapter 13 Office
Greensboro, North Carolina